

TRANSLATION INTO ENGLISH OF:**OFFICE ACTION**

Of : November 22, 2006
Applicant : Avago Technologies ECBU IP
Application No. : 10 2004 016 232.8-54

The numbers of the following references are cited in this Office Action for the first time and will be used consecutively throughout the examination proceedings:

- 1) WO 98/ 12757 A1
- 2) WO 00 / 33390 A1
- 3) US 2002 / 74 558 A1
- 4) US 6 340 824 B1
- 5) US 2002 / 187 571 A1

Examination is based on the original documents comprising claims 1 to 28.

The claims and the description contain deficiencies which are opposed to the grant of a patent.

For example, indefinite statements, which begin with "about" in claims 4, 6, 8, 10, 13 and 21 to 24, should not be incorporated in the claims, since, due said indefinite statements, it remains unclear what precisely is to be protected by the patent; cf. also Schulte PatG (Patent Act), 7th edition, § 34, marginal number 144.

The matter claim 28 does not contain any structural features which further develop the light emitting device, but the feature of this claim apparently concerns a method for operating a device according to one of the preceding claims; hence, claim 28 should be formulated accordingly.

Plurivalent terms, such as "umfassen" ("comprise", "encompass") [in the sense of "enthalten" ("comprise", "contain") / "aufweisen" ("comprise", "have") or "umgeben" ("encompass", "surround")] should be replaced by unequivocal terms in the claims. In the following the German term "umfassen" ("comprise", "encompass") will be replaced by the clearer term "enthalten" ("comprise", "contain") in the claims.

On page 23 of the description, documents which do not belong to the present application are referred to in toto in an inadmissible manner, cf. Schulte PatG (Patent Act), 7th edition, § 34, marginal numbers 141, 227.

II

Reference 1) already discloses a light emitting device comprising a laser diode (1) and a phosphor composition (6) positioned to receive light from said laser diode, the phosphor composition (6) being capable of absorbing light from said laser diode and emitting light at a wavelength longer than the light from the laser diode, cf. Fig. 1 to 5 in combination with page 10, lines 25 et seq. and page 12, line 34 to page 17, line 13 of reference 1).

Hence, the subject matter of claim 1 is no longer new; claim 1 is therefore not allowable.

In order to supplement the novelty-destroying prior art, the applicant's attention is also drawn to references 3) and 4), in addition to reference 2) which has already been cited by the applicant; cf. claims 1 to 5 and Fig. 3 and the associated description in reference 2), Fig. 1 and paragraphs [0041] to [0049] in reference 3) as well as Fig. 1, 3 and 15 and the associated description in reference 4).

Also the task underlying the subject matter of the application, cf. lines 26 et seq. on page 3 of the application, is known, at least basically, from the prior art, cf. lines 4 et seq. on page 2 of reference 2).

III

The features of claims 2 to 28, which depend on claim 1, (in a version which no longer contains indefinite statements), are predominantly known from the proved prior art or they do not exceed that which could be expected from the person skilled in the art.

For example, the embodiments according to claims 2 to 4, 6, 8 to 10 and 21 to 26 are realized in reference 1) or they are obvious from said reference 1), cf. page 3, lines 4 et seq. and page 7, line 1 to page 12, line 5 as well as Fig. 1 to 5 and 7 and the description passages relating thereto.

In addition, claims 2 to 7, 14, 15, 22, 23, 25 and 26 contain features which are partly also provided in reference 2), cf. in said reference Fig. 1 to 3 and the associated description as well as the section "Summary".

Finally, as far as the compositions of materials specified in claims 5, 7, 11 and 16 to 20 are concerned, the Examiner should like to refer to references 3) and 4), in addition to references 1) and 2), cf. the description from page 7 onwards of reference 1), the section "Summary" and pages 6 to 9 of reference 2), the description paragraph [0034] of reference 3) as well as lines 30 et seq. in column 14 of reference 4).

Claims 12 and 13 concern measures which are normally taken by those skilled in the art, cf. also paragraphs [0009] et seq. of reference 5), which has already been cited by the applicant, (with regard to claim 12).

Finally, the fact that the laser diode is implemented as a UV laser diode is known from reference 4), and said reference 4) also discloses a method of operating said laser diode in a pulse mode (with regard to claims 27 and 28), cf. lines 44 to 52 in column 5 of reference 4).

IV

If the applicant should be of the opinion that the present application still contains features having an importance which could substantiate the grant of a patent, he is requested to concretely direct the claimed invention to these features, to submit suitable claims and to state the task to be solved.

On the basis of the documents presently on file, grant of a patent is not possible; on the contrary, rejection of the application would have to be reckoned with.

If the applicant does not intend to submit a reply in the present matter, the Examiner would be grateful to receive an informal acknowledgement of the receipt of this Office Action.

Patent Examiner for class H 01 S

Encl.

Dr. Rohr

copies of 5 references